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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTHONY BRODZKI,

Plaintiff,

v.

TARRANT COUNTY SHERIFF,

Defendant.

2:12-CV-40 JCM (VCF)

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Ferenbach. (Doc. #14). *Pro se* plaintiff Anthony J. Brodzki did not file an opposition.

On January 27, 2012, the magistrate judge granted plaintiff's motion to proceed in forma pauperis. (Doc. #3). The magistrate judge further ordered the clerk of court to file plaintiff's complaint, and granted plaintiff 30 days to file an amended complaint. (Doc. #3). Plaintiff filed an amended complaint on February 8, 2012. (Doc. #6). The magistrate judge screened plaintiff's amended complaint, and filed the instant report and recommendation on May 3, 2012, recommending that the case be dismissed with prejudice for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted. (Doc. #14).

Specifically, the magistrate judge found that this court does not have federal question jurisdiction pursuant to 28 U.S.C. § 1331 because the second amended complaint failed to allege a factual basis for his 42 U.S.C. § 1983 and 1st, 4th, 5th, and 14th Amendment claims. (Doc. #14). Additionally, the magistrate judge found that this court does not have diversity jurisdiction pursuant

1 to 28 U.S.C. § 1332 because both plaintiff and defendant are citizens of Texas. (Doc. #14).
2 Therefore, plaintiff had not established diversity of citizenship. (Doc. #14).

3 Finally, the magistrate judge found that “plaintiff’s factual claims describe fantastic and
4 delusional scenarios and do not state a claim upon which relief can be granted.” (Doc. #14).
5 Therefore, the magistrate judge recommended that the case be dismissed with prejudice because
6 plaintiff’s claims would be subject to dismissal even if plaintiff were able to establish jurisdiction
7 under either § 1331 or § 1332. (Doc. #14).

8 Plaintiff has not filed an objection to the report and recommendation, and the court agrees
9 with the magistrate’s recommendation. Therefore, the report and recommendation are affirmed.

10 Accordingly,

11 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that United States Magistrate
12 Judge Ferenbach’s report and recommendation (doc. #14) be, and the same hereby are, AFFIRMED.

13 IT IS FURTHER ORDERED that the above-captioned case be, and the same hereby is,
14 DISMISSED with prejudice. The clerk of court shall enter judgment accordingly.

15 DATED May 22, 2012.

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18 **UNITED STATES DISTRICT JUDGE**